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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/752,402      | 12/28/2000  | Michael Wayne Nelson | CSCO-85861          | 9515             |

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EXAMINER

VU, KIEU D

ART UNIT PAPER NUMBER

2173

DATE MAILED: 01/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |                                      |  |
|------------------------------|--------------------------------------|--------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>09/752,402 | <b>Applicant(s)</b><br>NELSON ET AL. |  |
|                              | <b>Examiner</b><br>Kieu D. Vu        | <b>Art Unit</b><br>2173              |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-7 and 9-11 are rejected under 35 U.S.C. 101 because the language of the claims raises questions as to whether the claims are directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C 101.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6, 9-17, 20-28, and 31-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Net Nanny Software International Inc" (September 12, 2000) and Petersen (USP 6401041).

Regarding claims 1, 12, 23, and 34, "Net Nanny Software International Inc" teaches a method for user review and validation of content (content-based evaluations of television programs, movies and video games) (page 1) comprising the steps of displaying said content (show, game, or movie) (page 2); and displaying an indication of

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a state of a user's validation of said content ("green light", "yellow light", or "red light" rating). "Net Nanny Software International Inc" does not explicitly teach that the color indicates the negative or positive validation. However, this feature is known in the art as taught by Petersen. Petersen teaches steps for displaying graphical representation of agricultural information which uses color representation to show the positive or negative status of the information displayed. For example, green shows positive validation since it represents healthy crops, red shows negative validation since it represents serious threat to the crop production (see col 5, lines 10-27). It would have been obvious for one of ordinary skill in the art having the teaching of "Net Nanny Software International Inc" and Petersen before him at the time the invention was made, to explicitly include the teaching of negative or positive validation of Petersen with the color indication of "Net Nanny Software International Inc" so that parents and caregivers can quickly learn the validation status of the show, game, or movie.

Regarding claims 2, 13, 24, and 35, "Net Nanny Software International Inc" teaches receiving user submitted comments to said content (receiving panel's rating), said user submitted comments affecting said indicated state of validation of said content (page 2).

Regarding claims 3, 14, 25, and 36, in "Net Nanny Software International Inc", since the rating is on the content that the panel already viewed, it is clear that corrections to content affects said indicated state of validation of said content.

Regarding claims 4, 15, 26, and 37, "Net Nanny Software International Inc" teaches receiving user submitted validation of said content, said user submitted

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validation of content affecting said indicated state of validation of said content (submitted rating of the panel affects validation state of show, game, or movie) (page 2).

Regarding claims 5, 16, 27, and 38, "Net Nanny Software International Inc" does not teach receiving user submitted validation of comment on said content, said user submitted validation of said comment on content affecting said indicated state of validation of said content. However, such feature is known in the art as taught by Petersen. Petersen teaches that data received from various resources will be reviewed and validated (col 7, lines 1-19). It would have been obvious for one of ordinary skill in the art having the teaching of "Net Nanny Software International Inc" and Petersen before him at the time the invention was made, to include the validation of data received from the various resources taught by Petersen with the motivation being to provide the viewers with correct data.

Regarding claims 6, 17, 28, and 39, Petersen teaches receiving user submitted validation of correction to said content, said user submitted validation of correction of content affecting said indicated state of validation of said content (administrator verifies and validates data correction) (col 7, lines 1-19).

Regarding claims 9-10, 20-21, 31-32, and 42-43 Petersen teaches new content or added contents submitted by a users (data submitted by resources) (col 7, lines 1-2).

Regarding claim 11, 22, 33, and 44, Petersen teaches content is pertaining to technical Information (agricultural data).

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5. Claims 7, 18, 29, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over “Net Nanny Software International Inc” (September 12, 2000) and Petersen (USP 6401041) and Gill et al (“Gill”, WO 0052590 A1).

Regarding claims 7, 18, 29, and 40, “Net Nanny Software International Inc” teaches green light, yellow light, and red light associated with each rating of the content (page 2). Petersen teaches that green shows positive validation since it represents healthy crops, red shows negative validation since it represents serious threat to the crop production, yellow falls between red and green (see col 5, lines 10-27). Neither “Net Nanny Software International Inc” nor Petersen teaches yellow light indicates the content that has not been reviewed. However, such feature is known in the art as taught by Gill. Gill teaches digital media asset management which comprises displaying icon which shows that a digital item (content) has not been checked by user (page 18, 3<sup>rd</sup> paragraph). It would have been obvious for one of ordinary skill in the art having the teaching of “Net Nanny Software International Inc”, Petersen, and Gill before him at the time the invention was made, to modify the color indication taught by “Net Nanny Software International Inc” and Petersen so that yellow light indicates the content has not been reviewed or checked by user so that the user can use with caution with the motivation being to display different both reviewed content and un-checked content.

6. Claims 8, 19, 30, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over “Net Nanny Software International Inc” (September 12, 2000) and Petersen (USP 6401041) and Solimene et al (“Solimene”, USP 5828376).

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Regarding claims 8, 19, 30, and 41, "Net Nanny Software International Inc" teaches the content and ratings are displayed on web page (page 1). Gill teaches agricultural data and color indicator are displayed on web page (col 1, lines 7-11). Neither "Net Nanny Software International Inc" nor Gill teaches fields and pull-down menus for enabling the selection of categories and sub-topics. However, such feature is known in the art as taught by Solimene. Solimene teaches a graphical user interface comprising pull down menu enabling user to select menu item under menu category (Fig. 3B). Since pull-down menu is known to be used to save screen estate, it would have been obvious for one of ordinary skill in the art having the teaching of "Net Nanny Software International Inc", Petersen, and Gill before him at the time the invention was made, to modify the graphical user interface system taught by "Net Nanny Software International Inc" and Petersen to include pull-down menu taught by Solimene to efficiently use screen display screen.

7. Applicant's arguments filed 10/03/05 have been considered but they are not persuasive.

In response to Applicant's argument regarding 101 rejection of claims 1-7 and 9-11, it is noted that the method as claimed is neither implicitly nor explicitly tied to a hardware feature. As such, the language of the claims raises questions as to whether the claims are directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C 101.

In response to Applicant's argument that "The Net Nanny Software International Inc. reference does not teach or suggest that a user positively indicate whether or not the user has reviewed content where one review status indicator that is displayed cautions use of the content because the content has not been reviewed. More specifically, the connecting of a cautioning of content use to the lack of user review is not taught or suggested by the Net Nanny Software International Inc. Reference", it is noted such is not quite the case. Claim 1 recites "wherein said state of said user's validation of said content corresponds to: content not reviewed by user, use with caution; or content reviewed by user with a positive validation; or content reviewed by user with a negative validation". Since the claim recites the limitation in an alternative form by using "or", Net Nanny Software International Inc. reference reads on the claim since Net Nanny Software International Inc. reference teaches that the content has been viewed.

In response to Applicant's argument "Petersen does not teach or suggest a modification of the Net Nanny Software International Inc. reference that would remedy its deficiencies as outlined above .....are neither anticipated nor rendered obvious by Petersen", it is noted that, as discussed above, since the claim recites the limitation in an alternative form by using "or", Net Nanny Software International Inc. reference reads on the claim since Net Nanny Software International Inc. reference teaches that the content has been viewed.

In response to Applicant's argument "Gill does not teach or suggest a modification of the Net Nanny Software International Inc. reference that would remedy



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its deficiencies as outlined above”, it is noted that, as discussed above, since the claim recites the limitation in an alternative form by using “or” , Net Nanny Software International Inc. reference reads on the claim since Net Nanny Software International Inc. reference teaches that the content has been viewed.

In response to Applicant’s argument “Solimene does not teach or suggest a modification of the Net Nanny Software International Inc. reference that would remedy its deficiencies as outlined above”, it is noted that, as discussed above, since the claim recites the limitation in an alternative form by using “or” , Net Nanny Software International Inc. reference reads on the claim since Net Nanny Software International Inc. reference teaches that the content has been viewed.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu D. Vu.

The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4057.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached at 571-272-4048.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

571-273-8300

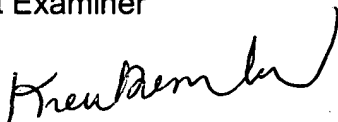
and / or:

571-273-4057 (use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper / amendment be faxed directly to them on occasions).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-3900).

Kieu D. Vu

Patent Examiner

A handwritten signature in black ink, appearing to read 'Kieu D. Vu', with a stylized flourish at the end.